

REMARKS

Reconsideration and allowance by the Examiner of previously presented Claims 41-48, 50-60, 63-65, 67 and 69-84, and a favorable action on the merits and an allowance of new Claim 85, are respectfully requested in light of the remarks which follow.

The Examiner has raised a number of objections to certain of the drawings. By way of satisfying the Examiner's objections, applicants have (1) amended the drawings by directing the deletion of Figs. 5-24, (2) amended the specification to delete the description of the embodiments illustrated in deleted Figs. 5-24 and (3) cancelled Claim 65, the only claim of the application to specifically claim the embodiments of Figs. 5-24.

The Examiner has continued to reject Claims 41-60, 61, 63-65, 67 and 69-84 under 35 U.S.C. §102(b) as anticipated by Dowd et al. which applicants' specification characterizes as teaching a void volume of 37%.

In order to conclude that applicants' claim recitation of "a void volume of not greater than about 32%" literally embraces the Dowd et al. void volume of 37%, the Examiner posits that a reasonable interpretation of applicants' claim term "about" would include a variance of \pm 5%. Applicants agree with the Examiner that their recitation of "about" can be reasonably construed to include a variance of \pm 5%. Applying such a variance, applicants' claim limitation of "a void volume of not greater than about 32%" can be *literally* construed as "a void volume of not greater than 33.6%" ($32\% \times .05 + 32\%$). Surely, the Examiner will agree that such a literal construction of applicants' claims does not embrace a void volume of 37%

acknowledged to be taught by Dowd. In order to read on, and therefore be anticipated by, Dowd's void volume of 37%, applicants' "about 32%" would have to be accorded a variance of + 15.625%, i.e., a variance which is more than *three times* that which the Examiner indicates would be a reasonable interpretation of "about" in applicants' claims. Neither the *Hyatt* case cited by the Examiner nor any other case of which applicants are aware would countenance the expansion of a relatively low numerical value, specifically, the 32% of applicants' claims, by such a large percentage.

By a similar analysis, construing applicants' limitations of (1) "about 0.8 g/cm³" (Claims 45 and 46) to include the concededly reasonable variance of + 5% calculates out to a literal limitation of ".084g/cm³" and (2) "about...2000 microns" (Claim 70) with the likewise concededly reasonable variance of +5% calculates out to a literal limitation of "2100 microns". The Examiner's variance of "+0.5 g/cm³" to produce a literal reading of "1.3 g/cm³" amounts to a variance of 160%, an altogether impermissible construction. Applicants take no exception to the Examiner's reading of "about...2000 microns" to include a variance of +0.5 mm if that is indeed the construction the Examiner intends to give to Claim 70. However, it would appear that the Examiner intends a variance of +0.5%, not + 0.5mm. However, as shown above, even as a percentage variance, expanding "about...2000 microns" by 5% still only provides a slightly higher value, namely, "2100 microns".

Accordingly, Claims 41-61, 63, 64, 67 and 69-84 can only be regarded as directed to novel subject matter relative to Dowd.

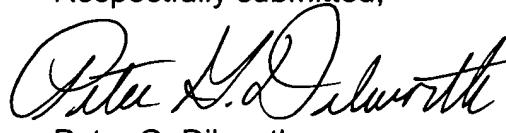
In order to resolve the "about" issue discussed above, applicants have presented new Claim 85 which is identical to Claim 1 except for omitting the "about" terminology of the latter. Should the Examiner be willing to allow Claim 85 in place of Claim 1, applicants for their part would be willing to amend Claim 1 to delete "about" and to cancel Claim 85 as redundant.

The Examiner's rejections of now cancelled Claim 62 for obviousness over Dowd et al. and of now cancelled Claims 66 and 68 for obviousness over Dowd et al. in view of Boyce et al. are moot.

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Reconsideration and allowance by the Examiner of previously presented Claims 41-48, 50-60 and 63-65, 67 and 69-84, and a favorable action on the merits and an allowance of new Claim 85, are once again respectfully requested.

Respectfully submitted,



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